

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA OF  
NORTHERN DIVISION

NORMAN JOSEPH CONKLE, II, )  
                                  )  
Plaintiff,                  )  
v.                             ) CASE NO. 2:07-cv-0778-MEF  
                                  )  
OTIS BARNES, *et al.*,     )  
                                  )  
Defendants.                 )

**O R D E R**

On October 22, 2007, the Magistrate Judge filed a Recommendation (Doc. #9) in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is the ORDER, JUDGMENT and DECREE of the court that:

1. The Recommendation of the Magistrate Judge is ADOPTED.
2. The plaintiff's motion to dismiss (Doc. #8) is GRANTED and this case is DISMISSED without prejudice.

DONE this the 16th day of November, 2007.

/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE